

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO. 17472 OF 2005

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DATED: 10.08.2005

Between:

Avatar Meharbaba Charitable Trust, Tettekunta Village (Chandragiri Agraharam)
Vemulawada Mandal, Karimnagar District rep. By its Chairman Sri D. Prabhakar
Rao, S/o D. Surya Rao, aged abut 60 years.

Petitioner

And

1. The District Collector, Karimnagar District, Karimnagar and others

Respondents.

ORDER:

Heard both sides.

In this Writ Petition, petitioner is seeking a Writ of Mandamus, declaring the proceedings dated 23.7.2005 bearing letter No. E1/5892/2004, in so far as restricting the construction of arches will be considered only after the alienation is sanctioned,

as arbitrary and illegal.

I see no reasons to entertain the Writ Petition, as this court in earlier Writ Petition No. 3081 of 2004, filed by the petitioner, a learned single Judge of this court while disposing of the Writ Petition on 13.8.2004, passed the order in the following manner:

“Accordingly, the Writ Petition is disposed of directing the first respondent, District Collector, Karimnagar to consider the application of the petitioner for alienation of the land expeditiously within a period of eight weeks from the date of receipt of a copy of this order. It is also made clear that it shall also be open to the first respondent offer some other land, if it is not possible to alienate the land in S.No. 4 of Thetekunta Village. Till the proposals are considered as directed herein above, the respondents shall not disturb the possession of the petitioner nor petitioner make any further construction.”

In view of the above said direction given by the learned single Judge, the impugned order was passed by the District Collector, dated 23.7.2005, for alienating the land as per the request of the petitioner-Trust, therefore, directed the Mandal Revenue Officer, Vemulawada Mandal, Karimnagar District, to send the alienation proposal without further delay. Against that order the present Writ Petition is filed, seeking a direction to the respondents to allow the petitioner-Trust to complete arches, which were raised up to the lentil level with cement and iron. Mr. M. Rama Rao, the learned counsel appearing for the petitioner stated that the respondents are not interfering with the construction, however, the antisocial elements are interfering with the construction of arches and they have already stolen the construction material. Therefore, in order to beautify the road and also for the sanctity, the trust has undertaken the construction of arches, therefore, sought for a direction to the respondents not to interfere with the completion of two arches erected at the entrance of the road connecting Sircilla and Vemulavada Road near Tettekunta Village, Vemulavada Mandal, Karimnagar District.

The learned counsel appearing for the petitioner on the one hand submits that the respondents are not interfering with the construction of arches but anti social elements have interfering with the construction work and on the other hand, he is seeking a direction against the respondents. When the respondents are not interfering with the construction of arches, the question of giving any direction to the

respondents does not arise. Further a learned single Judge of this Court in the above Writ Petition No. 3081 of 2004 gave a specific direction not to make any further construction and petition was allowed and that order has become final. Therefore, I see no reasons to entertain the present Writ Petition. However, taking into consideration as the order was passed in the above Writ Petition in August 2004, I deem it appropriate to direct the respondents to finalize the alienation proceedings, within a period of three months from the date of receipt of a copy of this order. No order as to costs.

Accordingly, the Writ Petition is dismissed. No order as to costs.

E. DHARMA RAO, J

DATED: 10.8.2005

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